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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		10/735,352	December 11, 2003
		First Named Inventor	
		PURSLEY, Matt D.	
		Art Unit	Examiner
		1732	Tentoni, Leo B.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,025</u>			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
		 Signature	
		<u>Jeffrey L. Thompson</u> Typed or printed name	
		<u>785-335-2248</u> Telephone number	
		<u>Aug. 25, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

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PUR-020

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of)
MATT D. PURSLEY)
Serial No. 10/735,352)
Filed: December 11, 2003)
For: CATHETER HAVING FIBROUS)
REINFORCEMENT AND METHOD OF)
MAKING THE SAME)

Group Art Unit: 1732

Examiner: LEO B. TENTONI

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I hereby certify that this correspondence is being
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Jeffrey Thompson
Registration No. 37,025

ATTACHMENT FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: AF
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Sir:

This Pre-Appeal Brief Request for Review is being made to identify and request reconsideration of two clearly improper rejections in the present application. The Applicant respectfully submits the following reasons in support of this request.

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PATENT APPLICATION

Rejection of Claims 5, 6, 24, 28, 29, 31, 32, 36 and 37 Based on Bourrieres

Claims 5, 6, 24, 28, 29, 31, 32, 36 and 37 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Bourrieres (U.S. Patent No. 4,878,984). The following discussion will be directed to this rejection of independent claims 28 and 36.

Bourrieres discloses a method of wrapping a cylindrical member, such as a pole 1 for supporting electric power transmission lines, with a web of fiber slivers 8, 9, 10. The apparatus includes a means for supplying the web of fiber slivers 8, 9, 10, and a means 11 whereby the slivers 8, 9, 10 are displaced along the pole 1 from the lower end to the upper end in a direction parallel to the axis of the pole 1 while the pole 1 is being driven in rotation. The method involves winding the filaments 8, 9, 10 around the pole member 1 from the bottom end to the top end, and then back to the bottom end in a continuous operation.

The means for displacing the slivers 8, 9, 10 in Bourrieres include bodies 14a, 14b that are slidably mounted on a threaded rod 12 and forks 21a, 21b for guiding the displacement of the fiber slivers 8, 9, 10. As shown in Fig. 6, the forks 21a, 21b in Bourrieres are arranged between a flattening cylinder 27 and the pole 1 on which the fiber slivers 8, 9, 10 are applied. While this arrangement may not be clearly understood from Fig. 3 of Bourrieres (the figure cited by the Examiner), it can be seen by comparing Figs. 3 and 6 of Bourrieres. The fiber slivers 8, 9, 10 flow from right-to-left in Fig. 3 of Bourrieres, and from left-to-right in Fig. 6. In Bourrieres, the fiber slivers 8, 9, 10 are flattened into "ribbons" or "tapes" by the cylinder 27 before the fiber slivers 8, 9, 10 pass through the forks 21a, 21b and then onto the pole 1. The forks 21a, 21b

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therefore do not provide the same function or method step as the guide assembly 66 (Fig. 15) in the Applicant's invention.

In the Applicant's invention, the guide assembly 66 (Fig. 15) has a filament engaging surface 67 that is generally perpendicular to the longitudinal axis of the core member 65. In addition, the filament engaging surface 67 is arranged and used in such a way that a group 60 of filaments 61-64 is caused to be oriented into a plane which is generally perpendicular to a longitudinal axis of the core member 65, and then the group 60 of filaments are naturally reoriented and packed tightly against one another as the group 60 of filaments are wound onto the core member 65.

In Bourrieres, the fiber slivers 8, 9, 10 are oriented in a plane which is parallel to the longitudinal axis of the cylinder 27 and the pole 1 as the fiber slivers 8, 9, 10 pass through the forks 21a, 21b. In contrast, the filament groups 60 in the Applicant's claimed invention are oriented in a plane which is generally perpendicular to the longitudinal axis of the core member 65. Moreover, the fiber slivers 8, 9, 10 in Bourrieres remain oriented in the same parallel plane as they pass through the forks 21a, 21b and onto the pole 1. The fiber slivers 8, 9, 10 in Bourrieres are not reoriented from a generally perpendicular plane into a parallel plane, as in the Applicant's claimed invention.

The Applicant's independent claims 28 and 36 use the phrase "generally perpendicular" to define certain aspects of the claimed invention. While this phrase is broader than the term "perpendicular" by itself, it is clearly not so broad as to encompass its opposite, "parallel," as proposed by the Examiner. This overly broad reading of the claim language by the Examiner is a

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clear error that should be corrected by the review panel.

Moreover, there appears to be no teaching in Bourrieres that each of the fiber slivers 8, 9, 10 is "a group of filaments" that are positioned side-by-side and packed tightly against one another as they are wound onto the pole. Instead, the fiber slivers 8, 9, 10 in Bourrieres appear to enter the forks 21a, 21b in the same form and orientation as they are wound onto the pole 1. Finally, it is respectfully submitted that the teachings of Bourrieres are concerned with wrapping large cylindrical members (e.g., poles for supporting electric power lines), and therefore would seem to have little relevance to the Applicant's claimed invention for making a catheter.

Accordingly, it is respectfully submitted that the Examiner's rejection of independent claims 28 and 36 based on Bourrieres is improper and should be withdrawn.

Rejection of Claims 2, 3, 50 and 51 Based on Bourrieres in View of Goldsworthy et al.

Claims 2, 3, 50 and 51 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bourrieres in view of Goldsworthy et al. (U.S. Patent No. 3,701,489). The following discussion will be directed at the rejection of independent claim 51.

The combined teachings of Bourrieres and Goldsworthy et al., taken as a whole, fail to teach or suggest the claimed invention for at least the same reasons explained above regarding the rejection of claims 28 and 36 based on Bourrieres.

In addition, it is noted that Goldsworthy et al. teaches an apparatus for winding filament about a mandrel in the manufacturing of containers. Neither Bourrieres nor Goldsworthy et al. disclose methods for making catheters. As such, neither of these references teach or suggest the

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Applicant's claimed method of making a catheter, nor the step of anchoring a group of filaments to a core member at a proximal end of the catheter.

Accordingly, it is respectfully submitted that the Examiner's rejection of independent claim 51 based on Bourrieres in view of Goldsworthy et al. is improper and should be withdrawn.

Favorable consideration of this request for review and allowance of this application are respectfully requested.

Respectfully submitted by:

Dated: August 25, 2006


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